

SECOND REGULAR SESSION

# SENATE BILL NO. 1295

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR KLINDT.

Read 1st time February 25, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4712S.04I

## AN ACT

To repeal sections 172.035, 174.020, 174.332, 174.750, 174.753, 174.755, 174.757, and 176.010, RSMo, and to enact in lieu thereof twelve new sections relating to the incorporation of Northwest Missouri State University into the University of Missouri system, with a contingent effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 172.035, 174.020, 174.332, 174.750, 174.753, 174.755, 174.757, and 176.010, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 172.035, 172.925, 172.928, 172.931, 172.934, 172.937, 174.020, 174.750, 174.753, 174.755, 174.757, and 176.010, to read as follows:

172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of such person's appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until the student representative's successor is appointed

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless such absence is caused by sickness or some accident preventing such representative's arrival at the time and place appointed for the meeting.

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the [four] **five** campuses of the University of Missouri, beginning with a student from the Columbia campus, **next from the Northwest campus**, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

**172.925. 1. Consistent with the provisions of the Memorandum of Understanding entered into by and between the curators of the University of Missouri system and the board of regents of Northwest Missouri State University, the institution of higher education at Maryville, Nodaway County, Missouri, known as "Northwest Missouri State University" may be transferred to the curators of the University of Missouri by agreement between the board of regents of Northwest Missouri State University and the board of curators of the University of Missouri. After such an agreement is accomplished, Northwest Missouri State University shall thereafter be known as the "University of Missouri-Northwest".**

**2. The repeal of section 174.332, RSMo, and the repeal and reenactment of sections 172.035, 174.020, 174.750, 174.753, 174.755, 174.757, and 176.010, RSMo, shall become effective contingent upon the attainment of the agreement between the board of regents of Northwest Missouri State University and the board of curators of the University of Missouri articulated in subsection 1 of this section if notification has been provided pursuant to subsection 3 of this section.**

**3. On or prior to August 28, 2006, the board of regents of Northwest Missouri State University and the board of curators of the University of Missouri shall provide written notice to the revisor of statutes as to whether an agreement as articulated in subsection 1 of this section has been achieved. If no such agreement has been achieved, the repeal of section 174.332, RSMo, and the repeal and reenactment of sections 172.035, 174.020, 174.750, 174.753, 174.755, 174.757, and 176.010, RSMo, shall not become effective.**

4. If the agreement articulated in subsection 1 of this section is not agreed upon by August 28, 2006, the provisions of sections 172.925 to 172.937 shall become null and void.

172.928. In the event the board of regents of Northwest Missouri State University and the board of curators of the University of Missouri execute an agreement pursuant to section 172.925, then, as of the date set forth in the agreement for the transfer to take place:

(1) All property, real, personal, and mixed, of Northwest Missouri State University may be transferred to the curators of the University of Missouri pursuant to the terms of said agreement;

(2) The control of all unexpended appropriations made for Northwest Missouri State University shall be transferred to the curators of the University of Missouri pursuant to the terms of said agreement and the curators shall expend those funds on behalf of the University of Missouri-Northwest in accordance with those appropriations; and

(3) All unexpended transferable trust funds, endowment funds, scholarship funds, pledges, special funds, and general funds held by Northwest Missouri State University shall be transferred to the curators of the University of Missouri.

172.931. 1. In the event the board of regents of Northwest Missouri State University and the board of curators of the University of Missouri execute an agreement pursuant to section 172.925, then, as of the date set forth in the agreement for the transfer to take place:

(1) All employees of Northwest Missouri State University shall become employees of the curators of the University of Missouri.

(2) All employees so transferred shall be subject to the personnel policies of the University of Missouri and shall be given credit for any unused sick leave and vacation time, but beginning on the effective date of the agreement shall earn sick leave and vacation time in accordance with university rules.

(3) The curators of the University of Missouri shall, at the option of the employee, if benefit eligible under University of Missouri policies, enroll a transferred employee in the University of Missouri's benefit program, including retirement, health, life insurance, long-term disability, and accidental death and dismemberment on that date, or shall provide for a transferred employee to continue participation in the Missouri State Employees Retirement System Plan or the College and University Retirement Plan (CURP) provided that any employee who desires to continue participation in the state employees' benefit programs shall elect in writing to continue such participation within ninety days of the date the employee is notified by the curators of the agreement to transfer Northwest

Missouri State University. Any transferred employee who fails to make such election shall be deemed to have elected to be enrolled in the University of Missouri's benefit program for any period of time that the individual is an employee of the University of Missouri. For a Northwest Missouri State University employee to transfer to the University of Missouri's benefits programs without showing evidence of good health, the employee must be currently enrolled in like benefits programs of Northwest Missouri State University or of the state of Missouri, unless none exists. Those employees transferring to the University of Missouri's benefits programs shall receive credit for both vesting and benefit calculation purposes for service accrued under the Missouri Employees Retirement System Plan and, for vesting purposes only, for service accrued under the College and University Retirement Plan (CURP).

2. The curators of the University of Missouri will be reimbursed for all liabilities attendant to the transfer of employees to its benefits programs. In particular, but not exclusively limited thereto, the board of trustees of the state employees' retirement system shall reimburse the curators of the University of Missouri for the actuarial value of the service being transferred from the Missouri state employees' retirement system, the amount of which is calculated by the ratio of the actuarial accrued liability of each member who transfers from the Missouri state employees' retirement system to the University of Missouri retirement system to the total actuarial accrued liability for the Missouri state employees' retirement system as a whole, and applying that ratio to total Missouri state employees' retirement system pension trust assets.

172.934. In the event the board of regents of Northwest Missouri State University and the board of curators of the University of Missouri execute an agreement pursuant to section 172.925, then, as of the date set forth in the agreement for the transfer to take place, the curators shall define and assign powers, duties, and responsibilities for all former Northwest Missouri State University employees transferred to the University of Missouri. Former Northwest Missouri State University employees transferred to the University of Missouri shall be included in all benefit programs normally available to employees of the University of Missouri except as provided in section 172.931. All former employees of Northwest Missouri State University transferred to the University of Missouri shall be subject to the usual university employment practices including those disciplinary and appeal procedures which are available to University of Missouri employees who have been terminated, suspended, transferred, or otherwise disciplined.

172.937. 1. State funds shall be appropriated to the curators of the

**University of Missouri from general revenue for the support of the University of Missouri-Northwest, including appropriations for capital improvements including repairs, maintenance, preventive maintenance and renovation, for the design and planning of maintenance, preventive maintenance and renovation projects and for such other purposes as the general assembly may deem appropriate.**

**2. Any funds remaining in any funds designated for Northwest Missouri State University in the treasury of this state on the effective date of the transfer of the Northwest Missouri State University to the curators of the University of Missouri, upon notice to the director of revenue that an agreement has been executed which transfers from the department of higher education Northwest Missouri State University to the curators of the University of Missouri, shall be transferred to the control and management of the curators of the University of Missouri.**

174.020. 1. State institutions of higher education governed by sections 174.020 to 174.500 shall be named and known as follows: the institution at Warrensburg, Johnson County, shall hereafter be known as the "Central Missouri State University"; the institution at Cape Girardeau, Cape Girardeau County, shall hereafter be known as the "Southeast Missouri State University"; the institution at Springfield, Greene County, shall hereafter be known as the "Southwest Missouri State University"; [the institution at Maryville, Nodaway County, shall hereafter be known as the "Northwest Missouri State University";] the college at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western State College"; the institution at Joplin, Jasper County, shall hereafter be known as the "Missouri Southern State University-Joplin"; and the college in the city of St. Louis shall be known as "Harris-Stowe State College".

2. References in the statutes in this state to such institutions whether denominated colleges or universities in such statutes or whether said institutions are renamed in subsection 1 of this section shall continue to apply to the applicable institution.

3. Any costs incurred with respect to modifications of the names of the state colleges and universities specified in subsection 1 of this section shall not be paid from state funds.

4. When the conditions set forth in section 178.631, RSMo, are met, the technical college located in Osage County, commonly known as the East Campus of Linn Technical College, shall be known as "Linn State Technical College".

174.750. There is hereby created the "Missouri Arboretum", wherein trees, shrubs, and herbaceous and other types of plants shall be planted, grown, and cultivated for scientific and educational purposes. The Missouri arboretum shall be under the direction, control, and supervision of the board of [regents of Northwest Missouri State University] **curators of the University of Missouri.**

174.753. 1. The director of the Missouri arboretum may be appointed by the

president of the University **of Missouri** and approved by the board of [regents of Northwest Missouri State University] **curators of the University of Missouri**.

2. The director of the Missouri arboretum may:

(1) Acquire, archive, process, and disseminate information on horticultural and botanical resources that are or could be of value to the governor, members of the general assembly, and other policy- and decision-makers in this state;

(2) Act as a representative of the state in horticultural matters as pertains to agriculture, both within and outside the state when necessary or appropriate, or when requested to do so by a proper authority, which shall include the legislative and executive branches of this state;

(3) Conduct interpretative programs, investigations, and research pertaining to horticulture and botanical resources, including, but not limited to, native woody plant and certain herbaceous plant species distribution in this state, their relationships to each other and certain faunae and their environment as it pertains to agriculture and horticulture;

(4) Maintain plant inventories on or near the [Northwest Missouri State] University **of Missouri-Northwest** campus in natural or contrived ecosystems;

(5) Establish a depository for preservation of live, native, and adaptive plant germ plasm, and the arboretum may act as a distribution source of such germ plasm for cooperating affiliated arboretums involved in plant evaluation, teaching and research programs;

(6) Maintain, as part of the statewide arboretum plant collections, plants which are representative of but not necessarily restricted to the flora and plant communities of Missouri, which among other benefits will support research and investigative programs;

(7) Contract with private entities or state agencies to assist in training of students and the citizenry with respect to native and introduced woody and herbaceous plant materials and their importance to Missouri. In connection therewith, the director may establish a graduate level internship program;

(8) The director shall be the only state employee of the Missouri arboretum.

174.755. The establishment of the Missouri arboretum on the [Northwest Missouri State] University **of Missouri-Northwest** campus shall in no way preclude or limit the research and educational activities concerning biological and botanical resources in natural or contrived areas by other universities, colleges, or other governmental entities. The Missouri arboretum shall provide support for such activities through data bases and monitoring activities.

174.757. 1. The director may certify copies as being authentic reproductions of arboretum resource records held in the state.

2. The director shall present a report each year to the [Northwest Missouri State University] board of [regents] **curators of the University of Missouri**.

176.010. The following words and phrases as used in sections 176.010 to 176.080, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Governing body" shall mean:

(a) The board of curators of the University of the State of Missouri;

(b) The board of curators of Lincoln University of Missouri;

(c) The board of governors for the Truman State University;

(d) The board of regents for the Central Missouri State University;

(e) The board of regents for the Southeast Missouri State University;

(f) The board of regents for the Southwest Missouri State University;

(g) [The board of regents for the Northwest Missouri State University;

(h)] The board of regents for the Missouri Western State College;

[~~(i)~~] **(h)** The board of regents for the Missouri Southern State College;

[~~(j)~~] **(i)** The board of regents for Harris-Stowe State College;

[~~(k)~~] **(j)** The board of trustees of any junior college district formed under sections 178.770 to 178.890, RSMo;

[~~(l)~~] **(k)** The board of regents of Linn State Technical College, provided the conditions of section 178.631, RSMo, are met.

(2) "Net income and revenues" shall mean the income arising from the operation of a project remaining after providing for the costs of operation of such project and the costs of maintenance thereof.

(3) "Project" shall mean one or more dormitory buildings with or without dining room facilities as an integral part thereof, or dining room facilities alone, or one or more social and recreational buildings, or any other revenue producing facilities of state educational institutions, or any combination of such facilities.

(4) "Revenue bonds" shall mean bonds issued hereunder for the purposes herein authorized and payable, both as to principal and interest, solely and only out of the net income and revenues arising from the operation of the project for which such bonds are issued after providing for the costs of operation and maintenance of such project, and, in addition thereto, in the discretion of the governing body, out of either one or both of the following sources:

(a) The proceeds of any grant in aid of such project which may be received from any source; and

(b) The net income and revenues arising from the operation of another project, as herein defined, already owned and operated by any such state educational institution.

Such bonds shall not be deemed to be an indebtedness of the state of Missouri, the educational institution issuing them, the governing body of such educational institution, or the individual members of such governing body.

(5) "State educational institutions" shall mean and shall include:

(a) The State University of Missouri, incorporated as a body politic under the name of "The Curators of the University of Missouri", together with the departments of said state university especially established by law as the "College of Agriculture at Columbia" and the "University of Missouri-Rolla";

(b) "Lincoln University" at Jefferson City;

(c) "Truman State University" at Kirksville, Missouri;

(d) The several regional universities, to wit:

"Central Missouri State University" at Warrensburg, Missouri;

"Southeast Missouri State University" at Cape Girardeau, Missouri;

"Southwest Missouri State University" at Springfield, Missouri;

["Northwest Missouri State University" at Maryville, Missouri;]

(e) Junior college districts formed under sections 178.770 to 178.890, RSMo;

(f) The several state colleges, to wit:

"Missouri Western State College" at St. Joseph, Missouri;

"Missouri Southern State College" at Joplin, Missouri;

"Harris-Stowe State College" at St. Louis, Missouri;

"Linn State Technical College" in Osage County, Missouri, provided the conditions of section 178.631, RSMo, are met.

[174.332. Notwithstanding the provisions of section 174.050 to the contrary, the board of regents of Northwest Missouri State University shall be composed of nine members, six of whom shall reside in the district in which the university is situated with at least one member of the board being a resident of Nodaway County and two additional members selected from any of the seven college districts as contained in section 174.010, provided that no more than one member be appointed from the same congressional district, one of which shall serve a term of three years and one of which shall serve a term of six years. All subsequent members appointed shall serve a term of six years pursuant to the provisions of section 174.070.]

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